

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JULY 16, 2002
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:07 a.m. Mayor Murphy welcomed a group of soccer players from Northern Ireland who are in San Diego participating in a soccer tournament. The meeting was recessed by Mayor Murphy at 10:50 a.m. to convene the Redevelopment Agency and thereafter take a short break. Mayor Murphy reconvened the meeting at 11:30 a.m. with all Council Members present. Mayor Murphy recessed the meeting at 12:07 p.m. to be reconvened at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:06 p.m. with Council Member Inzunza not present. Mayor Murphy recessed the meeting at 2:46 p.m. to allow staff to be present for Item 333. The meeting was reconvened by Mayor Murphy at 2:49 p.m. with all members present. Mayor Murphy adjourned the meeting at 3:18 p.m. to meet immediately in Closed Session in the twelfth floor conference room to discuss Closed Session matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present

(7) Council Member Madaffer-present

(8) Council Member Inzunza-present

Clerk-Abdelnour (er/mc)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-not present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on the separation of powers among the City Council, Redevelopment Agency, and Housing Authority.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A070-106.)

PUBLIC COMMENT-2: Referred to the City Manager

Henry Olivas expressed his concern that the windows at the Balboa Park Club have not yet been painted and the wood is deteriorating. He asked if the City has the funds to do this work.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A107-142.)

PUBLIC COMMENT-3: Referred to the City Manager

Randy Berkman commented regarding the Mission Valley YMCA expansion project and expressed his opposition to the project.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A143-197.)

PUBLIC COMMENT-4:

Jarvis Ross commented regarding the Charger Stadium.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A198-234.)

PUBLIC COMMENT-5:

Nick Moffit suggested that the City eliminate the employee suggestion awards and use that money to fight graffiti.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A235-276.)

PUBLIC COMMENT-6:

Michael Aguirre expressed his concern regarding the make up of the Charger Task Force.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A277-324.)

PUBLIC COMMENT-7:

Terry Hanks expressed his concerns regarding public official corruption and the comment made regarding Siagon Penn.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A325-346.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Frye announced the Grand Opening of the Mission Valley Branch Library on Saturday, July 20 at 10:00 a.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A347-440.)

CITY ATTORNEY COMMENT:

None.

CITY MANAGER COMMENT:

None.

ITEM-330: Carroll Canyon Business Park-Reconsideration.

Matter of the City Council **reconsidering** whether to adopt the rezone ordinance which was introduced on December 12, 2000, and was not adopted on March 5, 2001, when the City Council voted 4-4 (Council District 6 not represented at that time). The 57.8 acre project site zoned AR-1-1 (proposed IL-2-1) is located on the east and west sides of Camino Ruiz north of Miralani Drive within the boundary of the Mira Mesa Community Plan area.

(RZ-98-0978. Mira Mesa Community Plan Area. District-5.)

(Introduced at the City Council meeting of December 12, 2000, Item 334, for adoption at the January 9, 2001 meeting. On January 9, 2001, Item 53 was continued to February 6, 2001. On February 6, 2001, Item 334 was continued to March 5, 2001. At the March 5, 2001 meeting, Item 201 FAILED. On June 10, 2002, Item 602 received the required votes for today's reconsideration.)

NOTE: The public testimony portion of this item is open.

CITY MANAGER'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/12/2000. (Council voted 6-2. Councilmembers Peters, Wear, Atkins, Stevens, Maienschein, and Madaffer voted yea. Councilmember Stallings and Mayor Murphy voted nay. District 8 vacant).

(O-2001-80) ADOPTED AS ORDINANCE O-19079 (New Series)

Changing 57.8 acres, located on the west and east side of Camino Ruiz along the proposed alignment of Carroll Canyon Road, in the Mira Mesa Community Plan area, in the City of San Diego, California, from the AR-1-1 zone (previously referred to as the A1-10 and Hillside Review Overlay [HRO] zones) to the IL-2-1 zone (previously referred to as the M-1B and HRO zones), as defined by San Diego Municipal Code Section 131.0602 (previously found in sections 101.0435.2

and 101.0454); and repealing ordinance No. O-10936 (New Series), adopted October 5, 1972, of the ordinances of the City of San Diego insofar as the same conflict herewith.

FILE LOCATION: LUP - Carroll Canyon Business Park-Reconsideration
12/12/00 (65)

COUNCIL ACTION: (Tape location: B510-C036; D020-578.)

Hearing began at 11:30 a.m. and recessed at 12:07 p.m.

Council Member Inzunza left at 11:55 a.m.

Testimony in opposition by Michael Beck, Carrie Schneider, Eric Bowlby, Jim Peugh, Randy Berkman, Cindy Burrascano, Deborah Jones, Mel Hinton, and Paul Zucker.

Hearing resumed at 2:07 p.m. and halted at 2:45 p.m.

Testimony in favor by Jeffry Stevens and Paul Robinson.

Council Member Inzunza entered at 2:20 p.m.

MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE, APPROVING THE REZONE. Second by Maienschein. Passed by the following vote: Peters-nay, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-nay.

ITEM-331: Two actions related to Torrey Highlands - Amendment to the Public Facilities Financing Plan and Facilities Benefit Assessment (FBA) - FY2002.

(See City Manager's Report CMR-02-097; Public Facilities Financing Plan and FBA, Fiscal Year 2002, August 2001, Draft revisions - April 2002. Torrey Highlands Community Area. District-1.)

(Continued from the meeting of 6/25/2002, Item 333, at the City Manager's request for further review.)

NOTE: Hearing open. No testimony taken on 6/25/2002.

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2002-1513) ADOPTED AS RESOLUTION R-296808

Designating an area of benefit in Torrey Highlands and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering of proposed Public Facilities Project in the matter of Torrey Highlands Facilities Benefit Assessment Area.

Subitem-B: (R-2002-1512) ADOPTED AS RESOLUTION R-296809

Declaring that the assessment fee schedule contained in the Torrey Highlands Public Facilities Financing Plan, Fiscal Year 2002, as adopted and approved on July 17, 2001, by Resolution No. R-295159 and amended on May 21, 2002, by Resolution No. R-296532, is an appropriate and applicable development impact fee schedule [DIF] for all properties within the Torrey Highlands Community;

Declaring that the Docket Supporting Information and the text contained in the Torrey Highlands Ranch Public Facilities Financing Plan, Fiscal Year 2002, with amendments, are incorporated by reference into this Resolution as support and justification for satisfaction of findings required pursuant to California Government Code sections 66001(a) and 66001(b) for imposition of DIFs. Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed; and
4. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 5/1/2002, LU&H voted 5-0 to approve the City Manager's recommendation.
(Councilmembers Peters, Wear, Stevens, Maienschein, and Frye voted yea.)

FILE LOCATION: STRT - FB-18-02 (33)

COUNCIL ACTION: (Tape location: A441-455.)

Hearing began at 10:40 a.m. and halted at 10:41 a.m.

MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-not present, Maienschein-yea, Frye-yea,
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: Two actions related to North University City Public Facilities Financing Plan and
Facilities Benefit Assessment (FBA) - FY 2003.

(See City Manager Report CMR-02-098; Public Facilities Financing Plan and
FBA, Fiscal Year 2003, April 2002 2nd Draft; Errata. North University City
Community Area. District-1.)

(Continued from the meeting of 6/25/2002, Item 334, at the request of the public
for other people who are affected by this item to appear.)

NOTE: Hearing open. No testimony taken on 6/25/2002.

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2002-1517 Cor. Copy) ADOPTED AS RESOLUTION R-296810

Designating an area of benefit in North University City and the boundaries
thereof, confirming the description of Public Facilities Projects, the Community
Financing Plan and Capital Improvement Program with respect to Public Facilities

Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering of proposed Public Facilities Project in the matter of North University City Facilities Benefit Assessment Area.

Subitem-B: (R-2002-1557) ADOPTED AS RESOLUTION R-296811

Declaring that the assessment fee schedule contained in the North University City Public Facilities Financing Plan, as adopted and approved on May 21, 2002, by Resolution No. R-296530, is an appropriate and applicable development impact fee schedule [DIF] for all properties within the North University City portion of the University City Community Planning area;

Declaring that the Docket Supporting Information and the text contained in the North University City Public Facilities Financing Plan are incorporated by reference into this resolution as support and justification for satisfaction of findings required pursuant to California Government Code sections 66001(a) and 66001(b) for imposition of DIFs. Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed; and
4. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 5/1/2002, LU&H voted 5-0 to approve the City Manager's recommendation. (Councilmembers Peters, Wear, Stevens, Maienschein, and Frye voted yea.)

FILE LOCATION: STRT - FB-1-03 (33)

COUNCIL ACTION: (Tape location: A456-B020.)

Hearing began at 10:41 a.m. and halted at 10:50 a.m.

Testimony in favor by John Lattimer.

MOTION BY PETERS TO ADOPT WITH DIRECTION THAT STAFF SHALL PROVIDE A TIME LINE FOR EACH PROJECT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-not present, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-333: Third Ballpark and Redevelopment Project Implementation Agreement.

(See City Attorney Report No. RC-2002-11.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-47) ADOPTED AS AMENDED AS RESOLUTION R-296812

Authorizing the City Manager to negotiate, prepare and execute such documents, as may be necessary or appropriate to implement the intent and purposes of this resolution, the ordinance, the MOU, the First Implementation Agreement, the Second Implementation Agreement, or the Third Implementation Agreement, consistent with the rights and obligations of the City.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: D579-E326.)

MOTION BY ATKINS TO ADOPT THE RESOLUTION WITH THE AMENDMENT TO REQUEST THAT STAFF CONTINUALLY MONITOR THE AREA OF PERSHING AND REDWOOD STREETS, PARTICULARLY DURING BALL GAMES, TO DETERMINE IF THE BALLPARK IMPACTS TRAFFIC IN THIS AREA, AND THAT THIS ISSUE BE COVERED OR CONSIDERED AS PART OF THE TRAFFIC MITIGATION COSTS TO INSTALL A SIGNAL IF IT IS SHOWN TO HAVE AN ADVERSE EFFECT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea (nay on the final statement of Item No. 7 that states that “any funds remaining in the Capital Expenditure Reserve Fund at the end of the Padres occupancy of the Ballpark shall be owned by the Padres.”), Stevens-yea, Maienschein-yea (nay on the final statement of Item No. 7 that states that “any funds remaining in the Capital Expenditure Reserve Fund at the end of the Padres occupancy of the Ballpark shall be owned by the Padres.”), Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 3:18 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: E347.)